

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

RANDALL PITTMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-297-RAW-KEW
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Plaintiff commenced this case on July 8, 2016 with the filing of the Complaint to Review Decision of Secretary of Health & Human Services. A review of the case file reveals that summons were issued on July 12, 2016 but no evidence of service has been filed. Further, Defendant has not answered. On January 11, 2017, this Court entered a Show Cause Order, directing Plaintiff to show cause in writing by January 18, 2017 as to why this case should not be dismissed for the failure to obtain service in a timely manner or to prosecute the case. The Show Cause Order also warned Plaintiff that the failure to file the show cause report could result in this Report and a Recommendation that the case be dismissed without further notice or hearing. To date, no show cause report has been filed in response to the Show Cause Order.

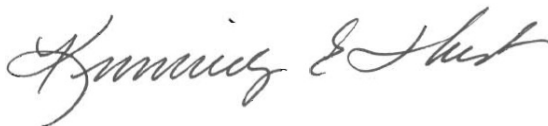
Plaintiff is required to obtain service within 90 days (formerly 120 days) of the filing of the Complaint or risk dismissal. Fed. R. Civ. P. 4(m). More than 180 days have passed since the filing of the Complaint without action by Plaintiff.

Plaintiff has provided no explanation for his failure to obtain service. Consequently, dismissal is appropriate.

IT IS THEREFORE THE RECOMMENDATION OF THIS COURT that this case be **DISMISSED** for Plaintiff's failure to obtain service in a timely manner and to prosecute this case.

The parties are herewith given fourteen (14) days from the date of the service of these Report and Recommendation to file with the Clerk of the court any objections, with supporting brief. Failure to object to the Report and Recommendation within fourteen (14) days will preclude appellate review of the judgment of the District Court based on such findings.

IT IS SO ORDERED this 20th day of January, 2017.

A handwritten signature in cursive script, reading "Kimberly E. West", written in dark ink.

KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE